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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047546
Party	Defendant Export Depot USA CORP Export Depot USA CORP 205 West Service Rd. Champlain, NY 12919
Correspondence Address	Export Depot USA CORP 205 West Service Rd. Champlain, NY 12919 UNITED STATES d.hetzroni@powerbright.com
Submission	Opposition/Response to Motion
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Signature	/S/
Date	06/27/2007
Attachments	Answer to the Petition of cancellation.txt ( 2 pages )(3288 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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J & D BRUSH CO., INC.  
Petitioner,  
Vs.  
EXPORT DEPOT USA CORP.  
Registrant

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ANSWER TO THE PETITION TO CANCEL

Export Depot Usa Corp, (hereinafter "Export depot" or "Registrant") a North Carolina Corporation, having a business address at 2016 corporate drive, Wilmington, NC, 28405, and detaining the trademark registration No 3,020,126 for the trademark LUXOR, hereby answers to the petition to cancel from the Petitioner "J & D Brush Co Inc"

Registrant, by its attorney, Daniel Levy alleges as follows:  
1. Registrant has never abandoned the mark and registration No 3,020,126 for the trademark LUXOR and contrary to the allegation of the Petitioner, Registrant has always maintained an active Corporation following the change of its business address from 205 west service Rd. Champlain, New York, 12919 to 2016 Corporate drive, Wilmington, North Carolina, 28405.

2. Registrant has obtained registration of the mark "LUXOR" in International Class 11 for a wide variety of goods and has been using the mark "LUXOR" in commerce on January 1, 2004 on a variety of goods and has been ever since.

3. Registrant, is not solely a wholesale exporter of appliances for use in countries with 220 voltages electrical systems as alleged by Petitioner, Registrant is also a wholesale merchant for the United States and Canada and its products are being purchased by American and Canadian Residents having to travel outside their respected country.

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4. Registrant has been using its legal right to use the trademark and registration No 3,020,126 for the trademark "LUXOR" and has been promoting and selling a wide variety of goods worldwide with the trademark "LUXOR" as plans to continue the commercialise products under the trademark "LUXOR".

5. Petitioner has been using the trademark "LUXOR" "LUXOR PRO" "LUXOR CURL DRY" and other variants of the said trademark illegally for its products over the years and is solely responsible for the confusion, mistake or deception made to the general public regarding products bearing the trademark "LUXOR" and its variants.

6. Petitioner has been causing with its illegal use of the trademark "LUXOR" and its variant, a considerable amount of financial damage to the registrant.

7. Petitioner must be refused registration of its application No 78/730,175 and No 78/759,104 based on section 2(d).

8. Petitioner petition for cancellation must be rejected by the Patent and trademark Office because it basis is unfounded and contains false allegation which will cause more damages to the Registrant and its mark if not rejected.

WHEREFORE, Registrant is demanding the rejection of the petition

er?s  
petition for cancellation and be refused registration of its  
application No 78/730,175 and No 78/759,104.  
Date : June 25, 2007

orney

niel Levy

istrant

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